

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

AARON KIRK and AMY KIRK,

Case No. 23-CV-1758 (PJS/LIB)

Plaintiffs,

v.

CITY OF DULUTH, MINNESOTA, a Municipal Corporation organized under the laws of the State of Minnesota, GORDAN RAMSEY, former Chief of the Duluth Police Department (in his official and personal capacity), MICHAEL CEYNOWA, current Chief of the Duluth Police Department (in his official and personal capacity), JEFFREY KAZEL, current supervisor with the Duluth Police Department (in his official and personal capacity), KRISTINA SHULETE, current officer with the Duluth Police Department (in her official and personal capacity), RONALD TINSLEY, current officer with the Duluth Police Department (in his official and personal capacity), JAMES RODMAN, current officer with the Duluth Police Department (in his official and personal capacity), STEVEN PRUSE, current officer with the Duluth Police Department (in his official and personal capacity), SARA SCHULTEE, current officer with the Duluth Police Department (in his official and current capacity), ROBERT GRYDAHL, former officer with the Duluth Human Rights Commission (in his official and personal capacity), CARL CRAWFORD, current officer with the Duluth Human Rights Commission (in his official and personal capacity), and DUSTIN JAMES TURCOTTE,

Defendants.

**DECLARATION OF
MARK R. BRADFORD IN
SUPPORT OF
PLAINTIFF'S APPLICATION
FOR ENTRY OF DEFAULT
AGAINST DEFENDANT
DUSTIN JAMES TURCOTTE**

Mark R. Bradford, being first duly sworn, hereby states and declares as follows:

1. I am a partner at Bradford Andresen Norrie & Camarotto and am one of the attorneys representing Plaintiffs Aaron Kirk and Amy Kirk in this matter.

2. On December 6, 2023, Magistrate Judge Leo I. Brisbois issued an Order directing Plaintiffs' counsel to notify Defendant Turcotte that he is required to file a responsive pleading or move for an extension of time to do so. (Doc. No. 30.)

3. I complied with that order and sent the required letter to Defendant Turcotte at his last known address on December 8, 2023. A true and correct copy of my letter is attached as Exhibit 1. To date, Mr. Turcotte has not responded to my letter and has not answered the Complaint. I have not heard from Mr. Turcotte himself or from anyone purporting to represent him.

I declare under penalty of perjury that everything set forth in this Declaration is true to the best of my knowledge.

Dated: January 4, 2024

By s/ Mark R. Bradford
Mark R. Bradford (MN #335940)

BRADFORD ANDERSEN NORRIE & CAMAROTTO

By s/ Mark R. Bradford_____

Mark R. Bradford (MN #335940)

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1433

mbradford@banclaw.com

Exhibit 1



Mark R. Bradford
Partner

612.474.1433
mbradford@banclaw.com

December 8, 2023

Via U.S. Mail

Mr. Dustin J. Turcotte
2871 Wicklow Street
Duluth, MN 55806

Re: *Aaron and Amy Kirk v. City of Duluth, et al.*
Court File No. 0:23-cv-01758 (PJS-LIB)

Dear Mr. Turcotte:

I am one of the attorneys representing Aaron and Amy Kirk in the above-referenced matter. Enclosed please find an Order that Magistrate Judge Leo I. Brisbois issued in this case on December 6, 2023. The Order states that if you fail to file a response to the Complaint or ask the Court for an extension to do so within 5 business days of receiving this letter, Plaintiff "shall file an application of default" with respect to the claims against you. In other words, inaction on your part may lead to a default judgment against you. While I am not your attorney, I urge you to read the Order carefully and respond accordingly.

Very truly yours,

Mark R. Bradford

/MRB

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Aaron Kirk, et al.,

Case No. 23-cv-1758 (PJS/LIB)

Plaintiffs,

v.

ORDER

City of Duluth, Minnesota, et al.,

Defendants.

This matter comes before the undersigned United States Magistrate Judge upon the routine supervision of the cases that pend before the Court, pursuant to a general assignment made in accordance with the provisions of 28 U.S.C. § 636.

It appears that more than twenty-one (21) days have elapsed since Defendant Dustin James Turcotte was served with a summons and a copy of the Complaint in the present case, and that he has yet to respond to the Complaint or otherwise enter an appearance in the present case. (Affidavit of Service [Docket No. 28]).

The Federal Rules of Civil Procedure require that a defendant file an answer or responsive motion within twenty-one (21) days of being served. See Fed. R. Civ. P. 12. The Court does not permit counsel to extend the time for filing an answer or other pleading by agreement, although the Court will liberally consider an initial motion for extension of time, in the absence of objection by the opposing party.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. Within three (3) business days of the date of this Order, counsel for Plaintiffs shall notify Defendant Dustin James Turcotte that he is required to file responsive pleadings or move for an extension of time to do so;
2. If Defendant Dustin James Turcotte fails to file responsive pleadings or move for an extension of time to do so within five (5) business days of having been given the notice required by Paragraph 1, Plaintiffs shall file an application of default as to Defendant Dustin James Turcotte or advise the Court in writing of any good cause for not doing so; and
3. If Plaintiffs fail to comply with the foregoing within twenty (20) days of the date of this Order, the Court will recommend that the case be dismissed for lack of prosecution.

Dated: December 6, 2023

s/ Leo I. Brisbois
Hon. Leo I. Brisbois
U.S. MAGISTRATE JUDGE